

The Complaint originally filed in the Posey Superior Court by De'Andrea L. Smith against Anthem Life Insurance Company alleges that she was the sole beneficiary to a certain life insurance policy on her son. She alleges that the defendant has failed to pay the proceeds of the life insurance policy to her.

The parties do not dispute that the decedent was a participant in an employee welfare benefit plan created pursuant to the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1001, and that the plan was the source of the life insurance policy which is at issue in this case. Pursuant to 29 U.S.C. §§ 1132(a)(1) and (e), this court has been vested with original jurisdiction to determine the plaintiff's claim for benefits under the plan, and removal is therefore proper.

The petition to remand is **DENIED**.²

SO ORDERED.

Dated: August 14, 2007



WILLIAM G. HUSSMANN, JR.
Magistrate Judge

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²Because the court has denied the petition to remand, defendant's motion to strike (Docket No. 15) is deemed moot and is, therefore, **DENIED**.